

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

|                        |   |                           |
|------------------------|---|---------------------------|
| KEVIN WARD,            | ) |                           |
|                        | ) |                           |
| Plaintiff,             | ) |                           |
|                        | ) |                           |
| vs.                    | ) | Case No. 10-3398-CV-S-ODS |
|                        | ) |                           |
| BRADLEY SMITH, et al., | ) |                           |
|                        | ) |                           |
| Defendant.             | ) |                           |

ORDER DENYING AS MOOT, "KEVIN WARD'S MOTION FOR SUMMARY  
JUDGMENT IN OPPOSITION TO DEFENDANTS' BRADLEY SMITH AND DUSTIN  
MERRIETT MOTION FOR SUMMARY JUDGMENT"

Pending before the Court is "Kevin Ward's Motion for Summary Judgment in Opposition to Defendants' Bradley Smith and Dustin Merriett Motion for Summary Judgment." (Doc. # 73). In his motion, Plaintiff Kevin Ward ("Ward") asks the Court to deny Defendant Smith and Merriett's Motion for Summary Judgment (Doc. # 67) because: (1) Ward has not had an opportunity to secure a declaration from a witness; and (2) Ward has not had an opportunity to access discovery. On March 31, 2014, the Court entered an Order and Opinion Denying Defendants Bradley Smith and Dustin Merriett's Motion for Summary Judgment. (Doc. # 155). Accordingly, the Court denies as moot "Kevin Ward's Motion for Summary Judgment in Opposition to Defendants' Bradley Smith and Dustin Merriett."

IT IS SO ORDERED.

DATE: March 31, 2014

/s/ Ortrie D. Smith  
ORTRIE D. SMITH, SENIOR JUDGE  
UNITED STATES DISTRICT COURT